

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 8689 of 2004(H)

PETITIONER:

**P.K. RAJAN, AGED 36 YEARS, S/O. KELAPPAN
PADINHARE KANNOTH HOUSE, ERAMALA AMSOM,
VATAKARA TALUK, KOZHIKODE DISTRICT.
(OWNER OF JEEP NO.KL-11-2372).**

**BY ADV. SRI.GHOSH YOHANNAN
SRI.ANOOP U.R.**

RESPONDENTS:

- 1. MUHAMMED, AGED 31 YEARS, S/O. MOIDEEN,
THATTARATH HOUSE, ELAMBILAD, MANIYOOR POST,
VATAKARA TALUK, KOZHIKODE DISTRICT.**
- 2. NELLIKKAL MEETHAL RAJEEVAN
S/O. KANARAN, AGED 33 YEARS, MEMUNDA AMSOM,
KUTTOTH DESOM, (DRIVER OF VEHICLE
NO.KL-11-2372 JEEP.)**
- 3. NATIONAL INSURANCE COMPNAY LTD.,
THALASSERY, POLICE NO.57036/PC/1240/1030/IP
(INSURER OF JEEP NO.KL-11-2373)
BOMBAY LIFE BUILDING (2ND FLOOR).**
- 4. THE DEPUTY TAHSILDAR, REVENUE RECOVERY
OFFICE, MINI CIVIL STATION, VATAKARA.**

BY ADV. SRI.MOHANAN V.T.K.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C).No.8689/2004

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APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE AWARD DATED 08.05.01 IN O.P.(MV) 338 OF 1995.

EXT.P2: COPY OF THE DEMAND NOTICE DATED 04.11.2003 BY THE 4TH RESPONDENT.

TRUE COPY

P.A.TO JUDGE

THOTTATHIL B.RADHAKRISHNAN,J

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W.P.(C).No.8689 of 2004

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Dated this the 11th day of July, 2007

JUDGMENT

Petitioner is the owner of a vehicle that was involved in a motor accident. An award was passed by the Tribunal directing the insurer to pay the amount and permitting it to recover that amount from the owner and driver. I find no illegality in that award. Revenue recovery proceedings have been initiated for recovery of such amount.

2. The learned counsel for the petitioner submits that having regard to the financial condition of the petitioner, he may be permitted to pay the amount in installments.

Under the aforesaid circumstances, this writ petition is disposed of directing that the revenue recovery proceedings will stand stayed for a further period of three months from today to enable the petitioner to pay the entire outstanding amount in three equal monthly instalments payable on or before 15th of

every month commencing from August, 2007. If there is default in remitting any of the instalments as aforesaid, the benefit of this judgment shall stand recalled automatically. The office will communicate a copy of this judgment to the fourth respondent.

THOTTATHIL B.RADHAKRISHNAN, JUDGE

dvs